

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 09-68091

TOMENA JENEEN RAWLS,

Chapter 7

Debtor.

Judge Thomas J. Tucker

**ORDER DENYING DEBTOR'S MOTION TO EXTEND
THE AUTOMATIC STAY AND DENYING DEBTOR'S
RELATED MOTION FOR EXPEDITED HEARING**

Debtor filed her voluntary petition for relief under Chapter 7 on September 10, 2009. On *October 6, 2007*, Debtor filed a motion entitled "Debtor's Motion to Extend the Automatic Stay" (Docket # 15), and a motion to for expedited hearing on the motion to extend the stay (Docket # 16). Under 11 U.S.C. § 362(c)(3)(B), in order for the court to extend the stay, a hearing on a motion to extend the automatic stay must be completed within 30 days after the filing of the case. Because of the statute's 30-day hearing deadline, L.B.R. 4001-5(a) (E.D. Mich.) requires that a motion to extend the stay be filed and served within 7 days after the bankruptcy petition is filed. It provides:

(a) Motion to Extend the Stay. The deadline to file and serve a motion to extend the stay under § 362(c)(3)(B) and to file a certificate of service is 7 days after the petition is filed. When such a motion is filed, the court will schedule a hearing with a notice to all parties in interest. If the movant has not received a notice of hearing within 7 days after filing the motion, the movant may contact the judge's courtroom deputy clerk to obtain a hearing date within the time limit established by law. Any party in interest may be heard at the hearing. Written objections are permitted but not required.

In this case, Debtor did not file her motion to extend the stay until the 26th day after filing the petition. Because Debtor did not file her motion until the 26th day, the Court cannot schedule

and complete a hearing on Debtor's motion to extend the stay, *with adequate notice to creditors of the motion and of the hearing*, within the required 30-day period. As a result, the motion must be denied.

Accordingly,

IT IS ORDERED that "Debtor's Motion to Extend the Automatic Stay" (Docket # 15), is DENIED.

IT IS FURTHER ORDERED that Debtor's motion to for expedited hearing on the motion to extend the stay (Docket # 16), is DENIED as moot.

Signed on October 6, 2009

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge